

VOSH PROGRAM DIRECTIVE: 12-114A

ISSUED: February 1, 2013

SUBJECT: Mechanical Power-Transmission Apparatus, General Industry and Construction Industry, §§1910.219 and 1926.307, respectively; Mechanical Power Presses, §1910.217; Telecommunications, §1910.268; and Hydrogen, §1910.103

Purpose. **CHANGE I:** This directive transmits to field personnel technical corrections to the above-referenced standards. **CHANGE II:** This change transmits to field personnel Federal OSHA's revisions to correct errors and publishing oversights by the *Federal Register* in the Mechanical Power Presses Standard, §1910.217.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope. This directive applies to all VOSH personnel.

Reference. CHANGE I: 69 FR 31880 (June 8, 2004)
CHANGE II: 77 FR 46948 (August 7, 2012)

Cancellation. VOSH Program Directive 12-114 (March 1, 2005)

Effective Dates. CHANGE I: March 1, 2005
CHANGE II: January 1, 2013

Action. Directors and Managers shall ensure that VOSH personnel understand and enforce this revised standard.

Courtney M. Malveaux
Commissioner

Attachment: CHANGE I: None.
CHANGE II: 77 FR 46948 (August 7, 2012) or refer to: http://www.osha.gov/FedReg_osha_pdf/FED20120807.pdf

Distribution:	Commissioner of Labor and Industry Assistant Commissioner – Programs VOSH Directors and Managers Legal Support and IMIS Staffs	Cooperative Programs Director and Manager VOSH Compliance and Cooperative Programs Staffs OSHA Region III and OSHA Norfolk Area Offices
---------------	---	---

I. Background.

CHANGE I:

1. **Mechanical Power-Transmission Apparatus - §§1910.219 and 1926.307**

VOSH standards §§1910.219 and 1926.307 contain requirements for the construction of guards for all types of mechanical power-transmission apparatus. On November 24, 1978, OSHA revoked certain safety and health standards, including Tables O-12 and O-13 in 29 CFR 1910.219 (43 FR 49726, 49741). These standards were originally adopted by the Board with all other general industry and construction standards as a group when the VOSH program was being established during the 1980's.

OSHA previously revoked these tables, containing specifications for materials used in guarding mechanical power-transmission apparatus, for being overly detailed and too restrictive of the kinds of materials used for guards (43 FR 49740). Further, all references to these two tables were also to be removed; however, OSHA failed to remove two references to Table O-12. In this current action, OSHA removed the remaining text referring to Table O-12.

2. **Mechanical Power Presses - §1910.217**

On December 3, 1974, OSHA published in the *Federal Register* (39 FR 41841) a final rule on Mechanical Power Presses based on a petition to revoke 29 CFR 1910.217(d)(1) and (d)(2). As part of the final rule, a new paragraph (c)(5) was added which contained typographical errors that changed the meaning of the paragraph and incorrectly implied that a Type-B gate is a presence-sensing device. A Type-B gate is considered a safety device when used with a failsafe control system and a brake monitor. In this action, OSHA corrected the typographical error in §1910.217(c)(5).

3. **Telecommunications - §1910.268**

OSHA published a final rule in the *Federal Register* (63 FR 33450) on June 18, 1998, removing and revising certain standards that were out of date, duplicative, unnecessary, or inconsistent. At its October 19, 1998 meeting, this change was adopted by the Safety and Health Codes Board.

In that final rule, the Telecommunications Standard, §1910.268, was amended to: "Revise paragraph (f)(1), remove paragraphs (f)(2) through (f)(4) and (f)(7) through (f)(9) and re-designate paragraphs (f)(5) and (f)(6) as (f)(2) and (f)(3)" (63 FR 33467). However, redesignated paragraph (f)(3) of §1910.268 (former paragraph (f)(6)) continued to include a cross reference to former paragraph (f)(5).

The 1998 notice should have corrected this cross-reference to refer to redesignated paragraph (f)(2) instead of (f)(5). In this June 8, 2004 action, OSHA corrected this cross-reference, accordingly.

4. **Hydrogen - §1910.103**

This standard was originally adopted by the Board with all other general industry and construction standards as a group when the VOSH program was being established during the 1980's.

OSHA standard 29 CFR 1910.103 contained requirements for the installation of gaseous hydrogen systems on consumer premises where the hydrogen supply to the consumer premises originates outside the consumer premises and is delivered by mobile equipment. On October 24, 1978, OSHA revised

certain safety and health standards, including Table H-2 in 29 CFR 1910.103 (43 FR 49732). This table contained specifications for the minimum distances used to determine placement of hydrogen systems of indicated capacity located outdoors, in special buildings or in special rooms to any specified outdoor exposure. The table was amended by removing line 13, "public sidewalks * * *," and line 14, "line of adjoining property * * *," because they dealt with public safety and property protection and were not within OSHA's regulatory jurisdiction (43 FR 49732). However, in 29 CFR 1910.103(b)(2)(ii)(c), a cross-reference to the nonexistent Item 14 was not removed.

In this current action, OSHA removed the cross-reference to Item 14 in paragraph (b)(2)(ii)(c), which has clarified the requirements contained in that paragraph.

CHANGE II. On December 27, 2011, federal OSHA published a *Federal Register* notice making corrections and technical amendments to 16 OSHA standards, which included the Mechanical Power Presses Standard, §1910.216. The requirements in paragraph (g)(1) of §1910.216, specifying what information to include in the report, however, were missing from the subsequent *Code of Federal Regulations* generated by the Office of the Federal Register. On May 24, 2012, the Safety and Health Codes Board adopted federal OSHA's technical amendments and corrections to these 16 different General Industry, Construction and Shipyard Employment Standards, with an effective date of September 1, 2012.

On August 7, 2012, federal OSHA published its Corrections and Technical Amendments to Multiple Standards, including the Power Presses Standard (77 FR 46948). On September 12, 2012, the Safety and Health Codes Board adopted OSHA's Corrections and Technical Amendments, with an effective date of January 1, 2013.

II. Summary.

CHANGE I: This final rule corrected four specific errors in five OSHA standards. The first correction amended two standards, the General Industry and Construction Industry standards for Mechanical Power-Transmission Apparatus, 1910.219 and 1926.307, respectively, and deleted two references to a non-existing table in the Mechanical Power-Transmission Apparatus Standard. The second was a correction of typographical errors in the Mechanical Power Presses Standard, 1910.217. The third correction was to a cross-reference in the Telecommunications Standard, 1910.268. The fourth correction referenced a table contained in the Hazardous Materials Standard for Hydrogen, 1910.103.

CHANGE II. Paragraph (g)(1) of the Mechanical Power Presses Standard, §1910.217, requires that employers submit reports of employees injured while operating power presses to OSHA or, for state-plan states, the state agency administering the plan. On December 27, 2011, federal OSHA published Corrections and Technical Amendments to 16 OSHA standards, including the Mechanical Power Presses Standard, §1910.217. Requirements in paragraph (g)(1) of §1910.217, specifying what information to include in the report, were missing from the subsequent *Code of Federal Regulations*. In this action, federal OSHA corrected §1910.217 by restoring the missing requirements in paragraph (g)(1).

Mechanical Power-Transmission Apparatus, General Industry and Construction Industry, §§1910.219 and 1926.307, respectively; Mechanical Power Presses, §1910.217; Telecommunications, §1910.268; and Hydrogen, §1910.103; Technical Corrections

As adopted by the

Safety and Health Codes Board

Date: August 3, 2004



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: October 15, 2004

16 VAC 25-90-1910.219, Mechanical Power-Transmission Apparatus, General Industry, 1910.219;
16 VAC 25-175-1926.307, Mechanical Power-Transmission Apparatus, Construction Industry, 1926.307;
16 VAC 25-90-1910.217, Mechanical Power Presses, General Industry, 1910.217;
16 VAC 25-90-1910.268, Telecommunications, 1910.268; and
16 VAC 25-90-1910.103, Hydrogen, 1910.103

When the regulations, as set forth in the technical corrections to the following final rules, Mechanical Power-Transmission Apparatus, General Industry and Construction Industry, 1910.219 and 1926.307, respectively; Mechanical Power Presses, 1910.217; Telecommunications, 1910.268; and Hydrogen, 1910.103, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

June 8, 2004

October 15, 2004

**Corrections and Technical Amendments
to Multiple Standards, including Mechanical Power Presses, §1910.216**

As Adopted by the
Safety and Health Codes Board

Date: September 12, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 2013

16VAC25-90-1910.217, Mechanical Power Presses, §1910.217

When the regulations, as set forth in the Corrections and Technical Amendments to Multiple Standards, including Mechanical Power Presses, §1910.217, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and
Industry

Agency

Department

August 7, 2012

January 1, 2013